



Consent and Capacity Board

Applying for a Review of Someone Else's Decision to Consent to your Admission for the Purpose of Treatment (Form F)

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If you have been found incapable of making decisions about treatment, a course of treatment or a plan of treatment and someone else has consented to your admission to a hospital, or psychiatric facility, for the purpose of that treatment, you may apply to the Consent and Capacity Board for a hearing to review this decision.

Whenever an application of this type is received, the law provides that the patient is deemed to have applied for a review of his or her capacity to make the relevant decision. This does not apply if the Board has determined this issue of capacity within the previous six months.

How do I apply?

Fill out an application (Form E) and send it to the Board. You can fill out the form by yourself or ask someone to help you do this. The form may be available where you found this information sheet. You may also be able to get the form at a hospital or other facility. If you cannot find an application form or if you do not know how to send the form to the Board, you may call the Board for assistance or check our web site at ccboard.on.ca.

If you are at least 12 years old but under 16 years of age, and someone else has consented to your admission to a psychiatric facility for the purpose of treatment, you should not use a form F. Instead, you should apply to the Board using application Form 25. You can fill the form out by yourself or ask a rights adviser or someone else to help you.

When and where will the hearing be?

You will receive a notice from the Board with the time and place of the hearing. The hearing will take place in the facility where the incapable person resides or receives treatment or at some other place close to the incapable person. The hearing will be held within 7 days after the Board receives your application unless all the parties consent to an extension.

Do I need a lawyer at the hearing?

It may be a good idea to have a lawyer represent you but you do not have to have one. You may contact a lawyer on your own or through the Law Society Referral Service, at [The Law Society of Upper Canada](#). Their number is listed in the White Pages under The Law Society of Upper Canada and in the Yellow Pages under Law Society Referral Service. If you are in a psychiatric facility, you may also ask to speak with a rights adviser. The rights adviser can explain your rights, help you to apply to the Board and help you find a lawyer. You may be entitled to a lawyer free of charge.

In some cases, the Board can order that legal representation be arranged for you before the hearing is scheduled. If you come to the hearing without a lawyer, the Board may order that legal representation be arranged for you.

Can I be admitted and treated before the hearing?

You may be admitted and treated pending the outcome of the hearing.

Who are the parties to the hearing?

The parties to the hearing are you, the person who consented to your admission and the health practitioner who proposed the treatment. If appropriate, the Board may name other parties.

What will happen at the hearing?

The Presiding Member will introduce everyone and explain how the hearing will work, who the official parties are and the order in which people will speak. Each party may attend the hearing and invite anyone they want to come. Each party may have a lawyer, call witnesses and bring documents.

Each party as well as the Board members may ask questions of each witness. At the end of the hearing each party will be invited to summarize and the Presiding Member will then end the hearing.

What happens after the hearing is over?

The Board will meet in private to make its decision. It will issue the decision within one day. Written reasons will be issued if any of the parties request them within thirty days of the hearing.

The Board may decide you should be discharged or admitted to the hospital, psychiatric facility or other health facility. In making its decision, the Board will consider the criteria in Section 34 of the Health Care Consent Act.

Can the Board's decision be appealed?

A decision by the Board can be appealed by any party to the Superior Court of Justice.

Contact Us

CCB Numbers

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Outside Greater Toronto Area

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